

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**Jeffrey Parchman and Nancy Carlin,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

V.

**SLM Corporation, Navient Corporation,
Navient Solutions Inc. f/k/a Sallie Mae
Inc., and Sallie Mae Bank,**

Defendants.

Case No: 2:15-cv-02819-JTF-cgc

JURY DEMAND

Judge John T. Fowlkes, Jr.

Magistrate Charmiane G. Claxton

PLAINTIFFS' MOTION TO AMEND COMPLAINT

Due to the death of Plaintiff Jeffrey Parchman, Plaintiffs respectfully move for leave to amend their complaint to add Mr. Parchman's daughter and mother as additional plaintiffs. Mr. Parchman's daughter is his successor in interest, and his mother has her own independent claim based on the same facts alleged in the amended complaint. Specifically, Mr. Parchman and his mother shared the cellular telephone that received the calls at issue in this action, and Mr. Parchman's mother was the recipient of some of those calls. Indeed, Mr. Parchman's mother was the account holder for the cellular service for the phone. *See* Exhibit A attached hereto.

Federal Rule of Civil Procedure 15(a)(2) provides that the Court “should freely give leave when justice so requires,” and Rule 15(d) provides that the Court may “permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” Plaintiffs seek to serve a supplemental

pleading setting out the fact of Mr. Parchman's death, which occurred after the date the amended complaint was filed, and to add Mr. Parchman's mother, who has decided to pursue her own independent claim in light of her son's death.¹ Justice requires that Plaintiffs be permitted to do, and their motion should be granted.

Respectfully Submitted,

THE HIGGINS FIRM, PLLC

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¹ It should be noted that Mr. Parchman's mother is entirely free to file her own, separate lawsuit, but given the nearly identical issues of law and fact it would certainly be consolidated with this action anyway. Judicial economy compels allowing her to join by amendment.

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2017 this document was served via the Court's CM/ECF email notification system on:

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